

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

FUMA INTERNATIONAL LLC,
an Ohio limited liability company,

Plaintiff/Counterdefendant,

v.

R.J. REYNOLDS VAPOR COMPANY,
a North Carolina corporation,

Defendant/Counterplaintiff.

Civil Action No. 1:19-cv-260

and

Civil Action No. 1:19-cv-660

**JOINT NOTICE OF PARTIES' AGREEMENT REGARDING EXPERT
DISCLOSURES**

Through counsel, the parties jointly notify the Court that they have reached an agreement regarding remaining expert disclosures. As cause therefore, the parties show the Court as follows:

- Expert Reports for the party bearing the burden of proof were due no later than July 23, 2020. (Dkt. 97). Expert Reports for the opposing party bearing the burden of proof were due no later than August 21, 2020. *Id.* Rebuttal Expert Reports were due no later than September 4, 2020. *Id.* The expert discovery cutoff is October 2, 2020. *Id.*
- On September 4, 2020, Plaintiff submitted the Expert Report of Bahram Parvinian ("Parvinian Report"). Defendant contends that the Parvinian Report contains previously undisclosed expert opinions which should have been disclosed on July 23, 2020. Plaintiff disagrees.

- In order to avoid prejudice to either party, and to avoid additional motion practice before the Court, the parties have agreed that Defendant may submit a Rebuttal Report to the Parvinian Report (“Rebuttal Report”) with the following limitations:
 - 1) Defendant will limit the scope of its Rebuttal Report to only those issues addressed in the Parvinian Report;
 - 2) Defendant will serve its Rebuttal Report no later than September 18, 2020; and
 - 3) Defendant will make the expert completing the Rebuttal Report available for deposition on October 2, 2020.
- Plaintiff reserves its right to object to and challenge the contents of Defendant’s Rebuttal Report on any reasonable grounds, but Plaintiff will not object to or challenge Defendant’s Rebuttal Report on the basis of timeliness.
- The parties do not request an extension to the deadline to complete expert discovery. Expert discovery will be completed no later than October 2, 2020, consistent with this Court’s order.

WHEREFORE, the parties respectfully and jointly notify the Court of their agreement regarding expert disclosures.

Dated: September 15, 2020

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this through the Court's CM/ECF system on September 15, 2020.

Dated: September 15, 2020

/s/ John F. Morrow, Jr.
John F. Morrow, Jr.